

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,) 8:09CR20
vs.)
TONY T. BURKHALTER,)
Defendant.) ORDER

This matter is before the court on the motion for an extension of time by defendant Tony T. Burkhalter (Burkhalter) (Filing No. 16). Burkhalter seeks an additional time in which to file pretrial motions in accordance with the progression order (Filing No. 9). Upon consideration, the motion will be granted.

IT IS ORDERED:

Defendant Burkhalter's motion for an extension of time (Filing No. 16) is granted. Burkhalter is given until **on or before March 23, 2009**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 25, 2009 and March 23, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 25th day of March, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge